

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division

JOANN WRIGHT HAYSBERT

Plaintiff,

v.

BLOOMIN' BRANDS, INC.,
and
OUTBACK STEAKHOUSE OF
FLORIDA, LLC,

Defendants.

Case No.: 4:20-cv-00121-RBS-DEM

CORRECTED NOTICE OF REMOVAL

Defendants, Bloomin' Brands, Inc. ("Bloomin' Brands") and Outback Steakhouse of Florida, LLC ("Outback"), by counsel, pursuant to 28 U.S.C. §§ 1332(a)(1), 1441, and 1446, hereby removes the action brought against it by Joann Wright Haysbert ("Haysbert") in the Circuit Court of the City of Hampton, styled JoAnn Wright Haysbert v. Bloomin' Brands, Inc., and Outback Steakhouse of Florida, LLC. As grounds for removal, Defendants state the following:

PARTIES

1. On or about June 29, 2020, Haysbert filed a Complaint against Bloomin' Brands and Outback in the Circuit Court of the City of Hampton. A copy of the Complaint is attached as Exhibit A.
2. The Complaint was served on Corporate Creations Network, the Registered Agent for Defendants on July 13, 2020.
3. On information and belief, Haysbert is a citizen of the Commonwealth of Virginia.
4. At the time this action was commenced in the Circuit Court of the City of Hampton and at the time of the filing of this Notice of Removal, Bloomin' Brands was and remains a

corporation organized and existing under the laws of Delaware with its principal place of business in Tampa, Florida. Additionally, at the time this action was commenced in the Circuit Court of Hampton and at the time of filing this Notice of Removal, Outback Steakhouse of Florida, LLC, was and remains a corporate organized an existing under the laws of Florida with its principal place of business in Tampa, Florida.

JURISDICTION AND VENUE

5. Defendants Bloomin' Brands and Outback are not citizens of Virginia and complete diversity exists. Pursuant to 28 U.S.C. §§ 1332 and 1441, this Court has subject matter jurisdiction over the action.

6. The amount in controversy, pursuant to Plaintiff's Complaint, exceeds \$75,000, exclusive of interests and costs.

7. The last day of the 30 day period to remove falls on August 13, 2020. Therefore, this notice of removal is timely filed within 30 days' notice of the initial pleading under 28 U.S.C. § 1446(b) and FRCP 6(a)

8. The United States District Court for the Eastern District of Virginia, Newport News Division, embraces the City of Hampton.

PROCESS AND PLEADINGS

9. A copy of the Complaint and Summons is attached as Exhibit A. No other process, pleadings, or orders have been served upon Defendants. A copy of Bloomin' Brands and Outback's Answers and Grounds of Defense is attached as Exhibit B.

10. The Circuit Court of the City of Hampton has been notified of the removal of this action. (Exhibit C).

BRIEF IN SUPPORT

11. Bloomin' Brands and Outback will not file a brief in support of their Notice of Removal. According to the United States District Court for the Eastern District of Virginia Local Rule 7(F), briefs are only required to support motions.

WHEREFORE, Defendants, Bloomin' Brands and Outback request that this action be removed to this Court and that this Court assume subject matter jurisdiction.

**BLOOMIN' BRANDS, INC.
and
OUTBACK STEAKHOUSE
OF FLORIDA, LLC**
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of August, 2020, a true and accurate copy of the foregoing Corrected Notice of Filing a Notice of Removal was sent via mail and email to:

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